

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 21, 2010. Claims 1-53 are currently in the application, with claim 45 having been withdrawn from consideration. Claims 1, 38, 39, 41, 43, 46-48, and 52 are the independent claim currently under consideration. Reconsideration and further examination are respectfully requested.

Specification

The Abstract has been amended to remove the term “said.”

Claim Objections

Claims 1 and 43 are objected to for informalities. In particular, the Office Action requested that the term “optical identifier” be replaced with “optically-readable identifier.” As indicated above, claims 1 and 43, as well as claims 2, 4, 15, 17, 18, 22-24, 30, 35, 36, 40, 43, 44, 47, 48, and 52, have been amended to make the requested change. Withdrawal of the objection to claims 1 and 43 are respectfully requested

Claims 4-37, 42, and 44 are objected to under 37 C.F.R. § 1.75(c) as being in improper multiple dependent form. As indicated above, the claims have been amended to remove the improper multiple dependent form. Withdrawal of the objection to claims 4-37, 42, and 44 and consideration of these claims are respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 38-41, 43, and 46-53 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,328,209 (“O’Boyle”). Applicants have reviewed the applied reference and respectfully submit that the claims are patentably distinguishable over this references for at least the following reasons.

Independent claim 1 is directed to a method for producing a transaction card corresponding to an account of a customer and bearing an image defined by said customer. The method includes associating an optically-readable identifier with a customer-defined image to be applied to the transaction card, reading the optically-readable identifier to reconcile the optically-readable identifier with a corresponding identifier associated with customer account information to be applied to the transaction card, and producing a transaction card bearing the customer-defined image and the customer account information.

O'Boyle is not seen to disclose or suggest the foregoing features of independent claim 1. In particular, O'Boyle is not seen to disclose or suggest at least the features of associating an optically-readable identifier with a customer-defined image to be applied to a transaction card and producing a transaction card bearing the customer-defined image.

O'Boyle describes a card security system that uses a hologram image 2 and a barcode 3 recorded on an identification card 1. *See* O'Boyle, col. 5, lines 50-60, and Figure 1. The Office Action contends that the hologram image 2 in O'Boyle corresponds with the customer-defined image recited in independent claim 1. Applicants respectfully disagree.

The hologram image 2 described in O'Boyle is seen to be a functional feature of the identification card 1 in which data D is recorded and from which data D is read out by a hologram reader 101. *See* O'Boyle, col. 6, lines 8-12. However, O'Boyle does not describe the hologram image 2 as being customer-defined nor is O'Boyle seen to describe any feature of the identification card 1 as being customer-defined.

O'Boyle further describes the data D read from the hologram image 2, together with data E read from the barcode 3 and data A, B, and C provided by a computer 200, as being used by an encryption unit 104 to generate check data. *See* O'Boyle, col. 6, lines 20-32. Applicants submit

that one skilled in the art would not understand O'Boyle to teach or suggest that the hologram image 2 is customer-defined since allowing a customer to select or modify the hologram image 2 placed on the identification card 1 may prevent the hologram image 2 from being used to store data D used by encryption unit 104 to generate check data. Accordingly, O'Boyle arguably teaches away from allowing a customer to define the hologram image 2 and possibly prevent the described card security system from functioning as intended.

The Office Action further contends that the barcode 3 described in O'Boyle corresponds with the optically-readable identifier recited in independent claim 1. Again, Applicants respectfully disagree. As discussed above, O'Boyle is not seen to disclose or suggest a customer-defined image to be applied to a transaction card. Accordingly, the barcode 3 described in O'Boyle cannot be seen to be associated with a customer-defined image. Furthermore, O'Boyle is not seen to describe barcode 3 being associated with the hologram image 2. Rather, barcode 3 is seen to simply store data E read by barcode reader 102 and used by encryption unit 104 to generate check data. *See* O'Boyle, col. 6, lines 20-32.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). O'Boyle is not seen to teach, either expressly or inherently, at least the features of associating an optically-readable identifier with a customer-defined image to be applied to a transaction card and producing a transaction card bearing the customer-defined image. Accordingly, independent claim 1 is believed to be allowable over O'Boyle. Reconsideration and withdrawal of the § 102(b) rejection of independent claim 1 are respectfully requested.

Each of independent claims 38, 39, 41, 43, 46-48, and 52 include the feature of a customer-defined image and therefore are believed to be allowable over O'Boyle for at least the same reasons as discussed above with respect to independent claim 1. Reconsideration and withdrawal of the § 102(b) rejection of independent claims 38, 39, 41, 43, 46-48, and 52 are respectfully requested.

The remaining claims currently under consideration are dependent from the independent claims discussed above and therefore are believed to be allowable over O'Boyle for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Conclusion

The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be other reasons for patentability of any or all claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

In view of the foregoing amendment and remarks, the claims currently under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Application No.: 10/589,921

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

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